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August 31, 2023

VIA ECF

Judge Cheryl L. Pollak, U.S.M.J.
United States District Court, E.D.N.Y.
225 Cadman Plaza East, Room 1230
Brooklyn, NY 11201

Re: Esgar Romero et. al. v. Sid Boys Corp. et. al., Case No.: 18-CV-6583 (ARR)(CLP)

Dear Judge Pollak,

This firm is counsel to the Plaintiffs in the above-referenced wage and hour action. I write pursuant to Your Honor's July 31, 2023 Order to advise the Court of the status of this case.

On or about August 31, 2021, an automatic bankruptcy stay was issued for Defendant Sid Boys Corp.. [Dkt. 40.] On May 26, 2023 the Court granted the parties' joint request to extend the stay to individual Defendant Irene Siderakis. [Dkt. 49.]

On or about January 26, 2023, Defendants' Chapter 11 bankruptcy proceeding was converted to a Chapter 7 proceeding, and a trustee was designated to oversee the operation of Kellogg's Diner and its sale/liquidation. [See No. 21-42207, January 26, 2023 text order.]¹ On July 28, 2023, the bankruptcy Court confirmed the Chapter 7 Trustee's "Sale of Substantially all Assets of the Debtor." [Dkt. 209.] Plaintiffs are awaiting the closing of this sale, as well as any further information regarding any proceeds of the sale to Defendants' creditors.

On August 18, 2023 the Trustee filed three motions pursuant to Fed. R. of Bankruptcy Procedure 2004 for orders authorizing the examination and production of documents of the Debtor and its counsel. [See No. 21-42207, Dkt. 213-216.] Rule 2004 allows for the examination of the debtor or any entity on matters that relate to "the acts, conduct, or property or to the liabilities and financial condition of the debtor, or to any matter which may affect the administration of the debtor's estate, or the debtor's right to a discharge." If there are objections, a hearing will be held on September 13, 2023. [Id.] Plaintiffs are also awaiting further information regarding the outcome of these motions and any subsequent examinations or productions.

¹ In December 2022, all opt-in Plaintiffs in this matter, and Plaintiffs' counsel, filed Proof of Claim forms in the Chapter 11 proceeding. In April 2023, those Proof of Claim forms were amended and re-filed in the Chapter 7 proceeding.



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Thank you for your time and attention to this matter.

Respectfully submitted,

/s/ Michele A. Moreno

Cc: All counsel of record (via ECF)